

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRANDON HARRIS and KRISTINA HARRIS his  
wife,

Plaintiff,

5:07-CV-827  
(NAM/DEP)

vs.

CSX TRANSPORTATION, INC., DB HOTALING,  
JULIE ROBINSON and ELAINE BAILEY,

Defendant.

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**APPEARANCES**

**OF COUNSEL:**

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**Norman A. Mordue, Chief U.S. District Judge:**

**ORDER REMANDING CASE TO STATE COURT**

On March 26, 2008, this Court issued a Memorandum-Decision and Order in *Bready v. CSX, et. al*, Civil Case No. 5:07-CV-0826, granting plaintiffs' motion to remand the action to state court for lack of subject matter jurisdiction. The Court notes that plaintiffs in the above-referenced matter have made the identical motion made by plaintiffs in the *Bready* case based on

identical legal and factual grounds given that the above-referenced action involves the same automobile accident, the same defendants, and the same lawyers involved in *Bready*. Based on the Court's decision in *Bready*, familiarity with which is assumed, and the Court's review of the removal and motion to remand papers which reveals the same jurisdictional defect, it is hereby

ORDERED that the motion for remand (Dkt. No. 3) filed by plaintiffs is GRANTED; and it is further

ORDERED that the motion to strike (Dkt. No. 4) is DENIED as MOOT; and it is further

ORDERED that this action is remanded to New York State Supreme Court.

IT IS SO ORDERED.

Date: March 26, 2008

  
Norman A. Mordue  
Chief United States District Court Judge